

WO 02/28353 does not and cannot indicate any reasonable expectation of success to one of ordinary skill in the art in connection with the claimed compounds in claim 11 and the claims dependent therefrom. Accordingly, claims 11 and 13 are not obvious over the teachings of WO 02/28353. Applicants request reconsideration and withdrawal of the rejection.

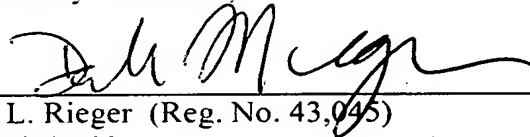
DOUBLE PATENTING

Claims 11 and 13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over copending Application No. 10/924,180. Applicants hereby request that the rejection be held in abeyance until an indication of patentable subject matter is given, at which point a need for Terminal Disclaimer may be evaluated.

In view of the above, allowance of the application is respectfully requested. Please apply any charges or any credits to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

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